

ZB# 74-18

Lukacik / Daidone

(no SBL given)

Lukacik / Daidone # 74-18

(6 ft. footage
lacking.)

65-2-18724.

**LEGAL NOTICE
PUBLIC NOTICE OF
HEARING BEFORE
THE ZONING BOARD OF
APPEALS**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York, will hold a public hearing pursuant to Section 48-43-A of the Zoning Ordinance on the following proposition:

Appeal No. 18
Request of Robina Lukac and Charles Daidone for a Variance of the regulations of the Zoning Ordinance to permit 94 foot frontage instead of 100 feet frontage being a Variance of article IV, Section 48-14C for property owned by him situated as follows: South of the property known as Windsor Farms, on Route 32.

SAID HEARING will take place on the 7th day of October, 1974, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 8:00 o'clock P.M.

FRED WYGANT
Chairman
By: PARTICIA DELIO
Secretary

Sept. 28

**State of New York
County of Orange, ss:**

Olga Trachewsky, being duly sworn deposes and she is Principal Clerk of Newburgh-Beacon News Co., Inc., Publisher of The Evening News, a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published

One Time

in said newspaper, commencing on the 28th day of September, A.D., 1974, and ending on the 28th day of September, A.D., 1974

Subscribed and sworn to before me this
30th day of September 1974

Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 1975

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550

7 Franklin Avenue
New Windsor, N. Y.
October 30, 1974

Howard Collett, Building Inspector
Town of New Windsor
555 Union Avenue
New Windsor, N. Y. 12550

RE: Applications for Variance:
Lukacik/Daidone
Commercial Offset Printing

Dear Mr. Collett:

Kindly be advised that the above applications for variances were approved at our special meeting on Monday, October 28, 1974.

Kindly refer to our minutes of this meeting which will be available at the end of this week for further details.

Yours truly,

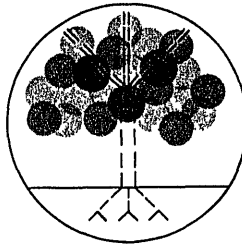
Fred Wygant
FRED WYGANT, Chairman

/pd

cc: Joseph LoScalzo, Chairman
New Windsor Planning Board
Seymour Feinman, Esq.
Louis Bozzone, Commercial Offset

Department of Planning

Peter Garrison, A I P , Commissioner
Edwin J Garling, A I P , Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V Mills, County Executive

October 15, 1974

Mr. Fred Wygant, Chairman
c/o Mrs. Patricia Delio, Secretary
New Windsor Zoning Board of Appeals
7 Franklin Avenue
New Windsor, New York 12550

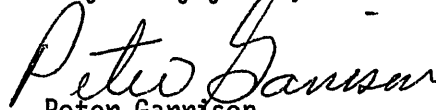
Re: Variance - Lukacik
Route 32

Dear Mr. Wygant:

Our office has reviewed the application of Lukacik for a variance, according to Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York.

We have no objection to the variance and it is hereby returned for local determination by your Board.

Very truly yours,


Peter Garrison
Commissioner of Planning

hc
enc.

Reviewed by: Joel Shaw
Senior Planner

cc: Feinman & Larocca, Attorneys

APPLICATION FOR VARIANCE

Application No. 74-18.

Date: _____

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) Robina G. Lukacik

of

Windsor Highway (no number)

(Street & Number)

New WindsorNew York

HEREBY MAKE

(State)

and CHARLES DAIDONE, 24 PARKHILL DRIVE, NEW WINDSOR, N.Y.

APPLICATION FOR A VARIANCE:

A. Location of the Property Route 32 South of Windsor Farms LB

(Street & Number)

(Zone)

B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) Article IV Section 48-14C

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: Frontage is 94 feet - lot width however exceeds 100 feet. If 100 foot frontage is required, a hardship is created thereby. This property has been that way for many years and not recently sub-divided; ~~however, xxxxxxxx~~
2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: The 94 foot frontage is sufficient for the land use proposed by applicant, however strict application to the ordinance would prohibit the commercial use of the property since one hundred (100) feet frontage is required by the statute.
3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: The condition existed pre-zoning ordinance, i.e., 1938.

If approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: _____

The six foot differential is absolutely unnoticeable

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: The

variance requested is not of such startling change as to be a
special privilege.

- D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Property is to be used as a gardening center and retail produce
and fruit market.

- F. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to Secretary of ZBA.

- F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9-4.1. of the Ordinance.

- G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: 9/27/74

Robina H. Lukacik
Signature of Applicant

STATE OF NEW YORK) SS.
COUNTY OF ORANGE)

Sworn to on this 27 day of September, 1974.

Charles H. Hough

Cornwall, NY
Address

585-5200

Telephone Number

J. TAD SEAMAN
NOTARY PUBLIC, State of New York
Residence on Appointment-Orange County
Commission Expires March 30, 1975
No. 4500627

J. Tad Seaman
(Notary Public)

(DO NOT WRITE IN THIS SPACE)

Application No. _____

Date of Hearing _____

Date of Decision 10/28/74

DECISION: granted.

Date Received _____

Notice Published _____

September 24, 1974

Mrs. Robina G. Lukacik
P. O. Box
Vails Gate, New York 12584

Dear Mrs. Lukacik:

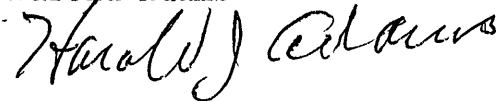
I have reviewed your request to purchase some 6 feet of frontage along Route 32 adjacent to your property.

I feel that I cannot sell any of the frontage of my land because of the uncertainty of my frontage, which could now or sometime in the future cause me some problems with zoning.

Thank you for your understanding.

Very truly yours,

Harold Adams

A handwritten signature in cursive script that reads "Harold Adams".

HA/jmm

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550

7 Franklin Avenue
New Windsor, N. Y. 12550
October 1, 1974

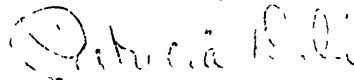
Joseph LoScalzo, Chairman
New Windsor Planning Board
555 Union Avenue
New Windsor, N.Y. 12550

RE: APPLICATIONS FOR VARIANCE:
Lukacik/Daidone

Dear Mr. LoScalzo:

Kindly be advised that the above Public Hearing is scheduled for Monday evening, October 7th at 8 p.m. I have enclosed a copy of the application and public hearing notice which was published in the Evening News on September 27, 1974.

Yours truly,



PATRICIA DELIO, Secretary

/pd

Encs.

cc: Howard Collett, Building Inspector
Town of New Windsor
555 Union Avenue
New Windsor, N. Y. 12550

RECEIVED

AUG 29 1974

**TOWN OF NEW WINDSOR
555 Union Avenue
565-8808**

DATE 9/3/74

APPLICATION is hereby made for the following:

Agenda _____ **Service** _____

1. Name Robina G. Lukacik

Address Windsor Highway (no Number) New Windsor, New York 12550

Telephone number _____

Are you the owner of the property? Yes

2. Briefly describe intention (or attach) and location of property:

Prospective purchaser intends to move his garden and fruit stand presently immediately to the north of this property to my property shown by the map attached hereto.

3. PLANNING BOARD

_____ **Site Plan Preliminary Meeting**

_____ **Subdivision Preliminary Meeting**

_____ **Informational Meeting**

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

_____ **Interpretation of Ordinance or Map**

✓ _____ **Variance (Notify P/B -plans if necessary)**

_____ **Informational meeting**

AGENDA DATE _____

5. BUILDING PERMIT

_____ **Planning Board action needed**

_____ **Z.B.A. action needed**

_____ **Site plan needed**

_____ **Subdivision approval needed**

_____ **Water, Sewer and Highway action needed**

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expenses for advertising of Public Hearing or meetings will

Agenda _____ Service _____

1. Name Robina G. Lukacik
Address Windsor Highway (no Number) New Windsor, New York 12550
Telephone number _____
Are you the owner of the property? Yes

2. Briefly describe intention (or attach) and location of property:

Prospective purchaser intends to move his garden and fruit stand presently immediately to the north of this property to my property shown by the map attached hereto.

3. PLANNING BOARD

_____ Site Plan Preliminary Meeting
_____ Subdivision Preliminary Meeting
_____ Informational Meeting

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

_____ Interpretation of Ordinance or Map
✓ _____ Variance (Notify P/B -plans if necessary)
_____ Informational meeting

AGENDA DATE _____

5. BUILDING PERMIT

_____ Planning Board action needed
_____ Z.B.A. action needed
_____ Site plan needed
_____ Subdivision approval needed
_____ Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expenses for advertising of Public Hearing or meetings will be paid. Also any legal or engineering fees for review of this project.

Signed: Robina G. Lukacik
(APPLICANT)

Feinman & Larocca

ATTORNEYS AT LAW

SEYMOUR FEINMAN

ELIA M. LARocca

532 BLOOMING GROVE TURNPIKE

NEWBURGH, NEW YORK 12550

(914) 562-5264

(914) 562-5265

To 2 B.A.
9/5/74

September 3, 1974

Mr. Howard Collette
Building Inspector
Town of New Windsor
Town Hall
555 Union Avenue
New Windsor, New York 12550

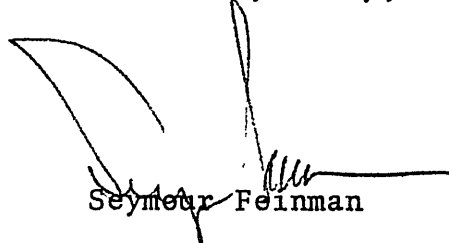
Re: Application of Robina G. Lukacik

Dear Mr. Collette:

I enclose herewith application of Mrs. Lukacik to be presented to the Zoning Board of Appeals as an application to permit a prospective purchaser to use the property having a frontage of 94 feet on Route 32 as a fruit market and garden supplies. Therefore, we would need a variance from 100 down to 94 feet. I call your attention to the fact that this frontage has always been that way and was not created specifically for the sale ~~and~~ property by the owner. The ancient maps on which this new survey was made indicate a frontage of 94 feet for many, many years.

Thank you for your cooperation.

Yours very truly,


Seymour Feinman

SF/cd
Enclosure

cc: J. Tad Seaman, Esq.
P. O. Box 4078
New Windsor, New York

STATE OF NEW YORK)
COUNTY OF ORANGE) ss.:

Catherine Dwan being sworn says: I am not a party to the within action, am over 18 years of age and on September 24, 1974 I have served a copy of the Public Notice of Hearing before the Zoning Board of Appeals upon the request of Robina Lukac and Charles Daidone for variance upon the following named persons at such last known address by mailing the same in a U. S. Post Office within New York State, in a postage, prepaid sealed envelope, certified mail, return receipt requested, addressed as follows:

Douglas C. Thorne, Inc.
P. O. Box 8
Vails Gate, New York 12584

Theodore H. Solomon
700 Executive Office Bldg.
Rochester, New York 14614

Frank H. & Theresa M. Grefe
P. O. Box 241
Vails Gate, New York 12584

Mans & Miller Auto Center, Inc.
453 Robinson Avenue
Newburgh, New York 12550

Peter M. Olympia
16 Russell Road
Newburgh, New York 12550

City School District
98 Grand Street
Newburgh, New York 12550

Golden Area Shopping Center, Inc.
176 North Main Street
Florida, New York

The Vails Gate Fire Company
Route 94
New Windsor, New York 12550

The Windsor Building Supplies Co.
P. O. Box 27
Newburgh, New York 12550

Vails Gate Methodist Cemetery
Vails Gate, New York 12584

Haynes Quenoe Realty Co.
c/o Foodmaker Inc.
P. O. Box 783
San Diego, California 92112

Newburgh Savings Bank
94 Broadway
Newburgh, New York 12550

Highland National Bank
381 Broadway
Newburgh, New York 12550

Harold J. Adams
Highland Avenue
Maybrook, New York

Catherine Dwan
Catherine Dwan

Dated: October 8, 1974

Sworn to before me this 8th day
of October, 1974

Charles P. O'Brien
CHARLES P. O'BRIEN
Notary Public, State of New York
No. 31-9174500

Qualified in New York County
Certificate filed in Orange County
Commission Expires March 30, 1976

STATE OF NEW YORK)
COUNTY OF ORANGE) ss.:

Catherine Dwan being sworn says: I am not a party to the within action, am over 18 years of age and on October 4, 1974 I have served a copy of the Public Notice of Hearing before the Zoning Board of Appeals upon the request of Robina Lukac and Charles Daidone for variance upon the following named at such last known address by mailing the same in a U.S. Post Office within New York State, in a postage, prepaid sealed envelope, certified mail, return receipt requested, addressed as follows:

Orange County Planning Board
Goshen, New York 10924

Dated: October 8, 1974

Catherine Dwan
Catherine Dwan

Sworn to before me this 8th day
of October, 1974

Charles P. Obremski

CHARLES P. OBREMSKI
Notary Public, State of New York
No 31-81/4300
Qualified in New York County
Certificate filed in Orange County
Commission Expires March 30, 1976

7 Franklin Avenue
New Windsor, N. Y.
October 30, 1974

Howard Collett, Building Inspector
Town of New Windsor
555 Union Avenue
New Windsor, N. Y. 12550

RE: Applications for Variance:
Lukacik/Daidone
Commercial Offset Printing

Dear Mr. Collett:

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Kindly refer to our minutes of this meeting which will be available at the end of this week for further details.

Yours truly,

FRED WYGANT, Chairman

/pd

cc: Joseph LoScalzo, Chairman
New Windsor Planning Board

